

**IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

International Application No. : PCT/EP05/00370  
International Filing Date : January 15, 2005  
Priority Date(s) Claimed : February 7, 2004  
Applicant(s) (DO/EO/US) : Alfred HENNEMANN et al  
Title: PARTICLES HAVING A FUNCTIONAL MULTILAYERED STRUCTURE

**INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

**Timing and Fees**

- ☒ Under 37 C.F.R. § 1.97(b), no fee or statement is required for filing this information disclosure statement is filed:
- ☐ within three months of the filing date of a national application other than a CPA under § 1.53(d);
- ☒ within three months of the actual filing date of the national phase of a PCT application; OR
- ☐ before the mailing of a first substantive office action (including after filing of an RCE).
- ☐ Under 37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods specified in 37 C.F.R. § 1.97(b), but before the mailing date of:
- a final rejection under 37 C.F.R. 1.113;  
termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR  
a notice of allowance under 37 C.F.R. § 1.311; and

is accompanied by:

- ☐ the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR
- ☐ a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).
- ☐ Under 37 C.F.R. § 1.97(d), this information disclosure statement is filed after the mailing date of the following actions which have not been withdrawn:
- ☐ a final action under 37 C.F.R. § 1.113;
- ☐ termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2);
- ☐ OR a notice of allowance under 37 C.F.R. § 1.311;

AND is filed on or before payment of the issue fee; AND is accompanied by:

the statement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of \$180.00 under 37 C.F.R. § 1.17(p).

Statements Under 37 C.F.R. 1.97(e)

- ☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.

Cited Materials

- ☐ Copies of materials listed but not attached were cited in benefit (35 U.S.C. § 120) ancestor application Serial No. \_\_\_\_\_, on Form 892 by the Examiner and/or Form 1449 by the applicant; see 37 C.F.R. § 1.98(d).
- ☒ Copies of materials listed but not attached were cited in an international search report dated August 10, 2005.
- ☐ Not required by 37 CFR § 1.98.
- ☐ Copies of the materials listed are attached (except for the foregoing).

Non-English Language References

☐ An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).

☒ A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:

X = document of particular relevance when it is taken alone

Y = document of particular relevance when it is combined with another such document

A = document defining the general state of the art

O = non-written disclosure

P = intercalated document

T = document cited to understand the theory or principle underlying the invention

E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date

D = cited in the application

L = cited for another reason

& = publication of member of same patent family

☒ Translation of other relevant information on foreign search report

In the search report, "Seite" means page, "Seiten" means pages, "Verbindungen der Formel" means Figure of formula, "Beispiele" means examples, and "das ganze Dokument" means the entire document, "Spalte" means column, "Zeile" means line, "Abbildungen" means claims, "Anspruch" means example, "Zusammenfassung" means summary, and "Tabelle" means table, and "Tabellen" means tables "in der Anmeldung erwachnt" means cited in the application, "Schema" means scheme, "und" means and, "Absatz" means break, "Abbildung" means figure.

Other InformationPayment of Fees Due (If Any):

☐ A check for \$\_\_\_\_\_ covering the fee identified above is attached.

☐ Please charge to Deposit Account No. 13-3402 \$\_\_\_\_\_ for the fee identified above.

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AP20 Rec'd Pch 10 04 AUG 2006

☒ The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,



Anthony J. Zelano, Reg. No. 27,969  
Attorney/Agent for Applicants

MILLEN, WHITE, ZELANO  
& BRANIGAN, P.C.  
Arlington Courthouse Plaza 1  
2200 Clarendon Blvd. Suite 1400  
Arlington, Virginia 22201  
Telephone: (703) 243-6333  
Facsimile: (703) 243-6410

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Filing Date	August 4, 2009
First Named Inventor	Alfred HENNEMANN et al
Group Art Unit	unknown
Examiner Name	unknown
Attorney Docket Number	MERCK-3198

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Examiner Initials*	Cite No. <sup>1</sup>	Office <sup>2</sup>	Number <sup>3</sup>	Kind Code <sup>4</sup> (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Where Relevant Passages or Relevant Figures Appear	T <sup>5</sup>
	B1	WO	0231059	A	CACACE, Deborah	04-18-1992		A1
	B2	EP	0634459	A	KIESER, Manfred	01-18-1995		A2
	B3	WO	0160926	A	SCHAUER, Thadeus	08-23-2001		A3
	B4	EP	0416395	A	PRENGEL, Constanze	03-13-1991		B5
	B5	CA	2024486	A1	PRENGEL, Constanze	03-06-1991		
	B6	WO	05056896	A	ENTENMANN, Marc	06-23-2005		

05/14/2009

Burden Hour Statement. This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /PP/

